REMARKS

This communication is a full and timely response to the non-final Office Action dated September 21, 2005 (Paper No./Mail Date 090805). By this communication, claims 1, 4, and 5 have been amended and claims 8 and 9 have been added.

Claim 1 has been amended to recite a camcorder main body having an internal sub-chassis, wherein said base plate assembly is mounted on said sub-chassis, and that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft. Support for the subject matter recited in claim 1 can be found variously throughout the specification and drawings, for example at page 15, lines 6-29 of the specification and in Fig. 1. No new matter has been added.

Claim 4 has been amended to recite a camcorder main body having an internal sub-chassis, wherein said base plate assembly is mounted on said sub-chassis, wherein each rotary shaft is attached to said camcorder main body and individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said base plate assembly is swingably mounted to said sub-chassis along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft. Support for the subject matter recited in claim 4 can be found variously throughout the specification and drawings, for example at page 15, lines 6-29 of the specification and in Fig. 1. No new matter has been added.

Claim 5 has been amended to recite a camcorder main body; a sub-chassis internal to said main body; a base plate being secured to the sub-chassis of said camcorder main body via a damper, wherein said base plate is fitted with a turn table for rotating an optical disc; wherein said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts and wherein said optical disc is further provided with a skew sensor for detecting skew and a skew correcting mechanism for rotating said sub-chassis in an axial direction about each rotary axial shaft to cancel the skew in accordance with an output from the skew sensor. Support for the subject matter recited in claim 5 can be found variously throughout the specification and drawings, for example at page 15, lines 6-29 of the specification and in Fig. 1. No new matter has been added.

Claim 8 recites that the base plate assembly rotates about said pair of axial shafts so that said base plate assembly is inclined a first direction when the camcorder main body is inclined in a second direction, wherein said first direction is a direction inverse to said second direction. Support for the subject matter recited in claim 8 can be found variously throughout the specification, for example at page 17, lines 21-29 of the specification. No new matter has been added.

Claim 9 recites that the first portion of said base plate assembly is located below said pair of rotary shafts so that said base plate assembly freely rotates about said pair of rotary shafts to preserve a constant posture based on the position of the center of gravity of said base plate assembly relative to said pair of rotary shafts. Support for the subject matter recited in claim 9 can be found variously throughout the specification, for example at page 17, lines 21-29 and page 18, lines 18-31 of the specification. No new matter has been added.

Claims 1-9 are pending where claims 1, 4, and 9 are independent.

Examiner's Interview

Applicant thanks the Examiner for granting an interview to Applicant's representative on November 30, 2005. During the interview, the Examiner indicated that claims 1-7 did not overcome the applied are because their breadth. In particular, the Examiner indicated that the independent claims should more clearly define the camcorder main body component and the manner in which the camcorder main body is connected to the base plate assembly and rotary shafts. Although Applicant's representative disagreed with this position, in an effort to expedite prosecution, the claims have been amended to address the Examiner's concerns.

Rejections Under 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as unpatentable over *Nakagawa et al.*–EP 0851422 in view of *Elberbaum et al.*—U.S. Patent No. 6,628,338. Applicant respectfully traverses this rejection.

Claim 1 recites an optical disc camcorder comprising a base plate assembly; a pair of rotary shafts; and a camcorder main body having an internal sub-chassis, wherein said base plate assembly is mounted on said sub-chassis, wherein each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate

assembly rotates axially about each rotary shaft, and wherein a weight is attached to a first portion of said base plate assembly so that the center of gravity of said base plate assembly is shifted towards the first portion.

Claim 4 recites optical disc camcorder comprising a base plate assembly; a pair of rotary shafts; and a camcorder main body having an internal sub-chassis, wherein said base plate assembly is mounted on said sub-chassis, wherein each rotary shaft is attached to said camcorder main body and individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said base plate assembly is swingably mounted to said sub-chassis along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, and wherein said base plate assembly is provided with an acceleration sensor for detecting degree of acceleration performed by said base plate assembly and a rotation drive mechanism for causing said base plate assembly to be rotated compulsorily in the periphery of each rotary shaft in response to the value detected by said acceleration sensor.

Claim 5 recites an optical disc camcorder comprising a camcorder main body; a sub-chassis internal to said main body a base plate being secured to the sub-chassis of said camcorder main body via a damper, wherein said base plate is fitted with a turn table for rotating an optical disc; a pair of rotary axial shafts; a spindle motor for rotating said turn table; an optical pickup system; and a seek operation mechanism provided for said optical pickup system, wherein each rotary axial shaft is individually attached to opposite ends of said sub-chassis and along a longitudinal axis; wherein said optical pickup system and said seek operation mechanism are mounted on said sub-chassis, wherein said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts and wherein said optical disc is further provided with a skew sensor for detecting skew and a skew correcting mechanism for rotating said sub-chassis in an axial direction about each rotary axial shaft to cancel the skew in accordance with an output from the skew sensor.

In summary, each of claims 1 and 4 recite that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft. Claim 5 recites that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts.

Nakagawa discloses a disk recording apparatus having a balanced type biaxial actuator that is designed to slide along a shaft 52. The shaft 52 is fastened to a base 51 and is parallel to the lateral direction (z-direction) and round bobbin to which the objective lens 25 is fixed. Further, the manner in which the round bobbin 53 is attached to the shaft 52 enables the objective lens 25 to be slidable on the shaft 52 in the z-direction and rotatable in the longitudinal direction. Magnets 56a and yokes 57a are fastened to the base 51 to form a magnetic circuit, which provides the capability for focusing and tracking adjustment of the objective lens 25.

The Office Action acknowledges that *Nakagawa* fails to disclose, teach, or suggest at least that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in claims 1 and 4, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5.

Elberbaum discloses an electric motor in a direct drive positioning device having a slip ring assembly. In Fig. 1, *Elberbaum* teaches a camera apparatus having a dome-shaped enclosure 3, a base plate 4 that is fixedly attached to the upper portion of the enclosure 3, a panning motor 2 fixedly attached to the surface of the base plate 4, a camera holder bracket 7 attached to a rotor 14 of the panning motor 2 to be rotatable about a horizontal axis H that extends through the center of the base plate 4 and orthogonal to the base plate 4.

Elberbaum, however, fails to disclose, teach, or suggest at least that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in claims 1 and 4, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5.

First, *Elberbaum* discloses that the base plate 4 is **fixedly attached** to the upper portion of the enclosure 3. Secondly, *Elberbaum* teaches that a single rotor 14 extends through the center of the base plate 4. Based on at least these two teachings, it should be readily apparent that *Elberbaum* fails to appreciate the use of a pair of rotary shafts or that said sub-chassis is

swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft.

In summary, *Nakagawa* and *Elberbaum* either singly or combined fails to disclose, teach, or suggest at least that that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in claims 1 and 4, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5. At best, the combined references teach a base plate 4 is **fixedly attached** to an upper portion of a camera enclosure. Accordingly, a *prima facie* case for obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. V. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the above reasons, Applicant respectfully requests that the rejection of claims 1, 4, and 5 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 2, 3, 6, and 7 depend from claim 1 and claims 6 and 7 depend from claim 5. By virtue of this dependency, Applicant submits that claims 2, 3, 6, and 7 are allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claims 2, 3, 6, and 7 are further distinguished over *Nakagawa* and *Elberbaum* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2, 3, 6, and 7 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Newly Added Claims

Claim 8 depends from claim 1 and additionally recites that the base plate assembly rotates about said pair of axial shafts so that said base plate assembly is inclined a first direction when the camcorder main body is inclined in a second direction, and that said first direction is a direction inverse to said second direction. By virtue of this dependency, Applicant submits that claim 8 is allowable for at least the same reasons given above with respect to claim 1. In

addition, Applicant submits that claim 8 is further distinguished over the applied art by the additional elements recited therein, and particularly with respect to the claimed combination. Applicant respectfully requests, therefore, that claim 8 be considered and allowed.

Claim 9 depends from claim 1 and additionally recites that the first portion of said base plate assembly is located below said pair of rotary shafts so that said base plate assembly freely rotates about said pair of rotary shafts to preserve a constant posture based on the position of the center of gravity of said base plate assembly relative to said pair of rotary shafts. By virtue of this dependency, Applicant submits that claim 9 is allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claim 9 is further distinguished over the applied art by the additional elements recited therein, and particularly with respect to the claimed combination. Applicant respectfully requests, therefore, that claim 9 be considered and allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that claims 1-9 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1900 from which the undersigned is authorized to draw.

Dated: December 6, 2005

Respectfully submitted,

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